



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re U.S. Utility Patent Application of

MARTIN, Howard

Art Unit: 3732

Appln. No. 10/821,693

Examiner: Casey Donahoe

Filed: 10 April 2004

For: COMBINATION DENTAL MIRROR AND MEASURING GAUGE

* * *

REQUEST FOR RECONSIDERATION

The Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231-5601

Sir:

In response to the final Office Action dated 8 June 2006 in the above-identified case, reconsideration is requested of the Examiner's decision to make the Official Action final.

In the last official action the Examiner rejected all pending claims under 35 U.S.C. 102 and 103 as being identical to (or obvious over) international application WO 01/41668A1 to Chadwick et al., and combined no other prior art references.

In this most recent final Official Action, the Examiner has rejected all pending claims 1, 3, 5, 7, 8, 10-12, and 15 as being obvious in view of various combinations of U.S. Patent Nos. 4,252,522 to Petty et al. (dental mirror with endodontic file measuring surface); 6,036,490 to Johnsen, et al. (finger-mounted dental instrument servicing system); 6,932,601 to Frider et al.

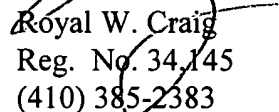
(dental evacuation mirror); 4,028,810 to Vice (root canal file); 6,595,775 to Berk (dental mirror) and WO 01/41668A1 to Chadwick et al. (dual mirror-measurement device).

All but the Chadwick reference are entirely new references, forming entirely new grounds for rejection of all pending claims and applicant should be entitled to a full and fair opportunity to address the new reference. Applicant's earlier amendments to the claims only incorporated depending claims into independent claims and hence none of the limitations added by Applicant's prior amendment should have caused further searching. Therefore, applicant's *amendments* could not have necessitated the new grounds for rejection as set forth in the present Office Action.

A second Official Action should not be made final if it includes a new ground of rejection not necessitated by Amendment of the applicant. MPEP 706.07(a). Again, Applicant deserves a full and fair opportunity to address these new objections/rejections in addition to the new prior art cited in the Official Action, and respectfully requests the same. Consequently, the Examiner's issuance of a final Official Action is thought to be premature, and the applicant respectfully requests that the finality of the rejection be withdrawn.

* * *

Respectfully submitted,


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Date September 8, 2006

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AMENDMENT UNDER RULE 1.116

Honorable Commissioner of Patents
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Washington, D.C. 20231

Sir:

Responsive to the Final Official Action dated 8 June 2006, please enter the following

Amendments: